

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI

MDL No. 1827

10 This Order Relates to:

11 ALL CASES
12

**ORDER GRANTING UNITED STATES'
MOTION TO MODIFY THE COURT'S
SEPTEMBER 25, 2007 ORDER**

13
14 On June 19, 2009, the Court heard argument on the United States' motion to modify the Court's
15 September 25, 2007 Order Granting United States' Motion to Stay Discovery. (Docket No. 990). The
16 September 25, 2007 order permits the Department of Justice, Antitrust Division to review all discovery
17 in this matter. DOJ seeks to modify the order to permit DOJ receive copies of all discovery in this
18 matter, including deposition transcripts.

19 The motion is unopposed by plaintiffs and all defendants except the AUO and Toshiba
20 defendants. The Court does not find appropriate AUO's proposal to allow questioning of deponents
21 regarding the grand jury proceedings or the witnesses' testimony. As the government notes, witnesses
22 may voluntarily disclose information about the grand jury proceedings and their testimony, and the
23 current limitations only prohibit attorneys from compelling testimony in a deposition.

24 The Court is also not persuaded by the objections raised by Toshiba, and finds that the DOJ
25 should be permitted to receive copies of the documents and transcripts in these proceedings. *Cf. In re*
26 *Grand Jury Subpoena Served on Meserve, Mumper & Hughes*, 62 F.3d 1222, 1224-26 (9th Cir. 1995).
27 The DOJ does not seek to compel foreign discovery that would otherwise be outside the grand jury's
28 subpoena power, but instead seeks copies of evidence brought into the United States as part of discovery

1 in this case. As discussed at the June 19, 2009 hearing, it may be appropriate to explore modifications
2 to the discovery schedule and plan, and if the Toshiba defendants (or any other parties) wish to do so,
3 they should meet and confer and discuss the matter with Judge Smith.

4 **IT IS SO ORDERED.**

5
6 Dated: June 24, 2009



SUSAN ILLSTON
United States District Judge